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TOWNSEND and GOWNSEND and CREW LLP

By: Sherry Sauer

PATENT  
Attorney Docket No. 020375-040700US  
Client Ref. No.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Lynn Holm-Blagg

Application No.: 10/672,596

Filed: September 26, 2003

For: SYSTEMS AND METHODS FOR  
PARTICIPANT CONTROLLED  
COMMUNICATIONS REGARDING  
FINANCIAL ACCOUNTS

Confirmation No. 8648

Examiner: GRAHAM, CLEMENT B.

Technology Center/Art Unit: 3692

APPELLANTS' BRIEF UNDER  
37 CFR §41.37

Mail Stop Appeal Brief  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Further to the Notice of Appeal mailed on March 27, 2008 for the above-referenced application, Appellants submit this Brief on Appeal.

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TOWNSEND and TOWNSEND and CREW LLP

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PATENT  
Attorney Docket No. 020375-040700US  
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### **1. REAL PARTY IN INTEREST**

The real party in interest is First Data Corporation.

### **2. RELATED APPEALS AND INTERFERENCES**

No other appeals or interferences are known which will directly affect, are directly affected by, or have a bearing on the Board decision in this appeal.

### **3. STATUS OF CLAIMS**

Claims 1-20 were originally filed in the application on September 26, 2003. Claims 21-27 were added in the Amendment filed October 5, 2007. Claims 1-25 stand rejected pursuant to a Final Office Action mailed December 31, 2007.

The rejections of claims 1-25 are believed improper and are the subject of this appeal. A copy of the claims as rejected is attached as an Appendix.

The status of claims 26 and 27 is unclear, as these claims are not addressed in the Final Office Action. For the sake of completeness, this Appeal Brief will present arguments for the allowability of these claims.

### **4. STATUS OF AMENDMENTS**

All Amendments have been entered. No amendments have been filed subsequent to the Final Office Action mailed December 31, 2007.

### **5. SUMMARY OF CLAIMED SUBJECT MATTER**

The claimed invention provides systems and methods for allowing consumer control of financial account communications. *Paragraph [0005]*. By way of example, a consumer may direct that statements relating to multiple accounts be combined for efficiency, that account communications should be sent by electronic or paper means or both, or that account communications contain particular content directed to another recipient of the communications. *Paragraphs [0008], [0009]-[0013], [0047], [0051], [0059]*.

a. Independent claim 1

Independent claim 1 recites a system for implementing consumer based communication rules in relation to a financial account. *Abstract, paragraph [0034]*. The system comprises a microprocessor based rule engine and a computer readable medium. *Paragraph [0043], Figure 1*. The computer readable medium includes instructions executable by the microprocessor based rule engine to receive a trigger that indicates a correspondence associated with the financial account, receive a communication rule from a consumer participant associated with the financial account, incorporate the communication rule into a communication rule set maintained on the computer readable medium, access information associated with the financial account, and apply the communication rule set to the information associated with the financial account, wherein a content of the correspondence is based at least in part on the application of the communication rule set. *Paragraphs [0016], [0020], [0045], [0046]*.

b. Independent claim 11

Independent claim 11 recites a method for implementing consumer based communication rules in relation to a financial account. The method comprises receiving an indication of a financial account, wherein the indication identifies a consumer participant associated with the financial account, providing a communication rules interface to the consumer participant over a communication network, receiving a communication rule via the communication rules interface, receiving a trigger that indicates a correspondence associated with the financial account, accessing information associated with the financial account, and applying the communication rule to the information associated with the financial account, wherein a content of the correspondence is based at least in part on the application of the communication rule. *Paragraphs [0016], [0020], [0045], [0046]*.

c. Independent claim 14

Independent claim 14 recites a method for implementing consumer based communication rules in relation to an account group. The method comprises receiving an indication of an account group, wherein the indication identifies a member of the account group,

and wherein the account group includes at least a first financial account and a second financial account. *Paragraphs [0015], [0017], [0020], [0023], [0024]*. The method also comprises providing a communication rules interface to the member over a communication network, and receiving a communication rule via the communication rules interface. *Paragraphs [0019], [0024], [0037], Figure 4*. The method further comprises accessing information associated with the account group, and applying the communication rule to the information associated with the account group. *Paragraphs [0021], [0037], [0042], [0049]*.

d. Independent claim 21

Independent claim 21 recites a method comprising receiving, by a financial institution at which a consumer maintains an account, an indication from the consumer that a communication, from the financial institution and regarding the account, is to include content selected by the consumer. *Paragraphs [0039], [0055]*. The method also includes receiving, from the consumer by the financial institution, an indication of what the consumer-selected content is to be. *Paragraph [0059], Figure 3*. The method further comprises including the consumer-selected content in the communication, and sending the communication. *Paragraphs [0059], [0060], Figure 3*.

**6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

- I. Whether under 35 U.S.C. § 101 claims 1, 11, 14, and 21 are directed to non-statutory subject matter.
- II. Whether under 35 U.S.C. § 112, second paragraph, claims 1, 11, 14, and 21 are indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.
- III. Whether under 35 U.S.C. § 102(b) claims 1-25 are anticipated by the cited portions of Hilt et al., U.S. Patent 5,465,206 ("Hilt").

## 7. ARGUMENT

### ***I. Rejection Under 35 U.S.C. § 101***

The Final Office Action rejects claims 1, 11, 14, and 21 under 35 U.S.C. § 101 as being allegedly directed to non-statutory subject matter. Specifically, the Office Action alleges that the claims “are directed to an algorithm”, recite such words as “receive”, incorporate”, and “access” that are “mere ideas in the abstract”, and that the claims “do not produce a useful, concrete, and tangible result.”

Applicant first notes that claim 1 is an apparatus claim, and recites both a *microprocessor based rule engine* and a *computer readable medium*. Claim 1 claims a machine. It is well established that “a specific machine to produce a useful, concrete, and tangible result” is patentable subject matter under 35 U.S.C. § 101. See *In re Alappat*, 31 USPQ2d 1545 (Fed. Cir. 1994). In fact, each of the claimed embodiments produces a useful, concrete, and tangible result.

#### **a. Useful**

Applicant’s claims recite systems and methods for allowing a consumer to have a degree of control over communications relating to his or her financial accounts. For example, a consumer may direct that communications relating to several accounts be merged, in order to avoid confusion and reduce mailing costs. *Specification paragraphs [0004], [0008]*. Or a consumer may direct that particular message content be included in a message sent from a financial institution to a joint account holder, which may result in improved monitoring and control of an account. *Specification paragraphs [0009]-[0013]*. These are examples of useful results obtained by practice of the claimed invention.

#### **b. Tangible**

In the claimed embodiments, communications are materially affected by the practice of the invention. For example, when a consumer directs that account communications be merged, several statements may arrive in a single communication, rather than separately. *Specification paragraph [0008]*. When the consumer directs that a communication contain

specific content selected by the consumer, the communication contains content that it would not otherwise contain. These are examples of tangible, recognizable effects brought about by the practice of the invention.

c. Concrete

A concrete result is one that is predictable and repeatable. *See MPEP 2106(IV)(C)(2)*. The systems and steps described in Applicant's claims cause certain events to occur and certain communications to be generated, at the direction of a consumer who specifies them through a set of rules. *Specification paragraphs [0006], [0024]*. These rules are straightforward and repeatable. Nothing in Applicant's specification indicates that there is any uncertainty whether any particular rule will be followed or not. The results provided by the claimed invention are therefore concrete.

The machine and methods recited in the claims provide useful, concrete, and tangible results. These results are reflected in all of the claims. Claims 1-10 and 26 are directed to an apparatus. The results are also reflected in the method claims, for example when a communication rule is applied, as recited in claims 11-13 and 27, and 14-20, and when a communication is sent, as is recited in claims 21-25. The claims are therefore directed to subject matter well within the requirements of 35 U.S.C. § 101.

**II. *Rejections Under 35 U.S.C. § 112, Second Paragraph***

The Office Action has rejected claims 1, 11, 14, and 21 under 35 U.S.C. § 112 as allegedly failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Office Action asserts that the claims are "replete with indefinite and functional" language, requires that the claims "be organized and correlated in such a manner as to present a complete operative device", and requires that the claims be "in one sentence form only." The Office Action also objects to the claim terms "trigger" and "rule set" as being unclear. Applicant disagrees.

a. Functional language

Functional language is expressly permitted by statute in patent claims. 35 U.S.C. § 112, sixth paragraph. The Office Action does not articulate what aspects of the claim language make it “indefinite”.

b. Requirement that claims present a complete operative device

The assertion in the Office Action that the claims must present “a complete operative device” is contrary to binding legal precedent. “It has long been recognized that claims for combinations and also sub-combinations may be validly allowed by the Patent Office, and that a claim need not include all the elements necessary to make up a complete operative device.” *Pursche v. Atlas Scraper and Engineering Co.*, 132 USPQ 104, (9th Cir. 1961), *internal citations omitted*.

c. Single sentence requirement

All of the claims of the present application are in fact in single sentence form.

d. Claim terms “trigger” and “rule set”

Regarding the terms “trigger” and “rule set”, Applicant notes that the term “trigger” does not appear in claim 14 or claim 21, and that the term “rule set”, does not appear in claim 11, 14, or 21. The rejection of claims 14 and 21 for use of these terms is therefore erroneous from the start.

Furthermore, these terms are easily understood in light of the specification, and claims 1 and 11 are therefore not indefinite. Paragraphs [0016] and [0019] give examples of trigger conditions that may instigate the generation of an account communication. The examples include a particular date and a specific request by the consumer. A “rule set” is simply a set of rules. A rule set “can be maintained on a database” and “directs the production of communication materials, or output” by a production system. *Specification paragraph [0045]*. For example, a rule in the set may indicate that communications relating to a particular account should be provided to two different parties. *Specification paragraph [0046]*.



The terms of Applicant's claims are readily understood in light of the specification, and the claims are in proper form. Accordingly, the claims are definite under 35 U.S.C. § 112, second paragraph.

### **III. Rejection Under 35 U.S.C. § 102(b)**

The Final Office Action has rejected claims 1-25 under 35 U.S.C. § 102(b) as being anticipated by the cited portions of Hilt et al., U.S. Patent 5,465,206 ("Hilt").

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Applicant respectfully traverses the rejection because the Final Office Action has not made out a *prima facie* case of anticipation. Specifically, Hilt does not disclose each and every element of any of Applicant's claims. Several of the portions of Hilt cited by the Office Action as disclosing elements of the claims do not in fact do so.

In general, Hilt describes a bill payment system. No part of Hilt describes a system wherein a consumer can control the content or distribution of communications about his or her account, as Applicant's claims recite. Specific claim elements missing from Hilt are detailed below.

#### Claims 1-10 and 26

Claim 1 as amended recites

1. ***A system for implementing consumer based communication rules in relation to a financial account, the system comprising:***
  - a microprocessor based rule engine; and*
  - a computer readable medium, wherein the computer readable medium includes instructions executable by the microprocessor based rule engine to:*
    - receive a trigger, wherein the trigger indicates a correspondence associated with the financial account;*
    - receive a communication rule from a consumer participant associated with the financial account;*
    - incorporate the communication rule into a communication rule set maintained on the computer readable medium;*

*access information associated with the financial account;  
apply the communication rule set to the information  
associated with the financial account, wherein a content of the correspondence  
is based at least in part on the application of the communication rule set.*

Hilt does not describe at least the highlighted elements of claim 1.

Applicant's invention provides "systems and methods for allowing consumer control of financial account communications." *Specification paragraph [0002]*. The preamble of claim 1 indicates that the claim is directed to a *system for implementing consumer based communication rules*. A "participant can be an account owner, an account custodian, or someone authorized thereby." *Specification paragraph [0016]*. However, the financial institution itself is not considered a participant, as evidenced by the fact that a message can be "placed in a specially designated area of a correspondence that indicates that the message is from another participant, and not the responsibility of the issuer or processor providing the correspondence." *Specification paragraph [0013]*.

In support of the rejection, the Office Action cites Figure 9, column 18 lines 29-65, column 21 lines 1-56, and column 10 lines 1-62 of Hilt. None of these passages describes *receiv[ing] a communication rule from a consumer participant associated with the financial account, incorporate[ing] the communication rule into a communication rule set maintained on the computer readable medium, or apply[ing] the communication rule set to the information associated with the financial account, wherein a content of the correspondence is based at least in part on the application of the communication rule set.*

Hilt's Figure 9 is "a flowchart describing the process of converting a non-participating biller into a participating biller." *Hilt column 18 line 29*. Column 18 lines 29-65 of Hilt describe a portion of the flowchart of Figure 9, and describes exchanges between billers and banks, but does not describe *receiv[ing] a communication rule from a consumer participant*. Neither does this passage describe at least the other elements of claim 1 highlighted above.

Hilt's column 21 describes part of a "bill payment process ... between a participating consumer and a participating biller." *Hilt column 20 lines 36-38*. While "the consumer sends a bill payment order to the consumer's bank" (*Hilt column 21 line 1*), a bill

payment order is not a *communication rule*. The rest of column 21 describes the mechanics of processing a payment, and does not describe *incorporat[ing] the communication rule into a communication rule set maintained on the computer readable medium; or apply[ing] the communication rule set to the information associated with the financial account, wherein a content of the correspondence is based at least in part on the application of the communication rule set.*

Hilt's column 10 describes some drawbacks of prior payment systems, and summarizes part of one embodiment of "an improved bill paying system". *Hilt column 10 line 34.* Nowhere in Hilt's column 10 is there any indication that a consumer can control the content of communications about his or her account, as claim 1 recites.

Because Hilt does not describe each and every element of Applicant's claim 1, claim 1 is not anticipated by Hilt. Claims 2-10 and 26 depend from claim 1 and add further limitations, and are therefore also not anticipated for at least this reason.

In addition, dependent claims 2, 3, 4, and 8 relate to an *account group*. As is explained further below with respect to claim 14, Hilt does not describe an *account group*, and claims 2, 3, 4, and 8 are not anticipated by Hilt for at least this additional reason.

Claims 11-13 and 27

Claim 11 as amended recites

**11. A method for implementing consumer based communication rules in relation to a financial account, the method comprising:**  
*receiving an indication of a financial account, wherein the indication identifies a consumer participant associated with the financial account;*  
*providing a communication rules interface to the consumer participant over a communication network;*  
*receiving a communication rule via the communication rules interface;*  
*receiving a trigger, wherein the trigger indicates a correspondence associated with the financial account;*  
*accessing information associated with the financial account; and*  
*applying the communication rule to the information associated with the financial account, wherein a content of the correspondence is based at least in part on the application of the communication rule.*

Hilt does not describe at least the highlighted elements of claim 11.

In support of the rejection, the Office Action cites the same sections of Hilt as were cited in the rejection of claim 1, and much of the argument given above for the patentability of claim 1 applies to claim 11 as well. The cited portions of Hilt do not describe any *communication rules interface provided to the participant over a communication network*. The Office Action cites column 18 lines 45-52 of Hilt as describing *receiving a communication rule via the communication rules interface*, noting that the passage refers to “payment network rules”. Because no communication rules interface is described, Hilt cannot describe *receiving a communication rule via the communication rules interface*. Furthermore, read in context, this passage indicates that a “participating biller bank agrees ... to abide by the terms and conditions of the payment network rules for services they offer billers.” There is no suggestion that the “rules” referred to have to do with communications involving consumer participants, or that any rules are received from a consumer participant over a *communication rules interface*.

Nor does Hilt describe *applying the communication rule to the information associated with the financial account, wherein a content of the correspondence is based at least in part on the application of the communication rule*. No part of Hilt that describes a consumer supplying a communication rule that affects the content of a communication regarding an account.

Because Hilt does not describe each and every element of Applicant's claim 11, claim 11 is not anticipated by Hilt. Claims 12, 13 and 27 depend from claim 11 and add further limitations, and are therefore also not anticipated for at least this reason.

Claims 14-20

Claim 14 recites

14. *A method for implementing consumer based communication rules in relation to an account group, the method comprising:  
receiving an indication of an account group, wherein the indication identifies a member of the account group, and wherein the account group includes at least a first financial account and a second financial account;  
providing a communication rules interface to the member over a communication network;*

*receiving a communication rule via the communication rules interface;*  
*accessing information associated with the account group; and*  
*applying the communication rule to the information associated with the account group.*

Hilt does not describe at least the elements of claim 14 highlighted above.

The method of claim 14 relates to an *account group*. For the purposes of this application an *account group* is a group of two or more financial accounts associated with each other. *Specification paragraph [0035]*. A *member of the account group* is a person connected in some way with one or more of the accounts in the *account group*. Applicant's specification paragraph [0043] gives some example grouping scenarios.

In support of the rejection, the Office Action cites the same sections of Hilt as were cited in the rejections of claims 1 and 11, and much of the arguments given above for the patentability of claims 1 and 11 applies to claim 14 as well. As is explained above, Hilt does not describe at least *providing a communication rules interface to the member over a communication network, receiving a communication rule via the communication rules interface; accessing information associated with the account group, or applying the communication rule to the information associated with the account group*. Nothing like these elements appears in Hilt.

In addition, Hilt does not describe an *account group*, or a *member of an account group*, and therefore cannot describe any of the claim elements relating to an *account group* or a *member of an account group*. All of the elements of claim 14 relate to an account group or a member of an account group or to both.

Because Hilt does not describe each and every element of Applicant's claim 14, claim 14 is not anticipated by Hilt. Claims 15-20 depend from claim 14 and add further limitations, and are therefore also not anticipated for at least this reason.

Claims 21-25

Claim 21 recites

*A method, comprising:  
receiving, by a financial institution at which a consumer  
maintains an account, an indication from the consumer that a communication,  
from the financial institution and regarding the account, is to include content  
selected by the consumer;  
receiving, from the consumer by the financial institution, an  
indication of what the consumer-selected content is to be;  
including the consumer-selected content in the communication;  
and  
sending the communication.*

Hilt does not describe at least the highlighted elements of claim 21.

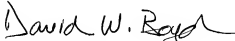
In support of the rejection, the Office Action cites the same portions of Hilt as were cited with regard to claims 1, 11, and 14, and much of the argument given above for the patentability of claims 1, 11, and 14 applies to claim 21 as well. The conclusory statements of the Office Action notwithstanding, Hilt simply does not provide any mechanism for a consumer to control the content of communications about his or her account.

Because Hilt does not describe each and every element of Applicant's claim 21, claim 21 is not anticipated by Hilt. Claims 22-25 depend from claim 21 and add further limitations, and are therefore also not anticipated for at least this reason.

## 8. CONCLUSION

For these reasons, it is respectfully submitted that all of the rejections should be reversed.

Respectfully submitted,

  
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## **9. CLAIMS APPENDIX**

1. A system for implementing consumer based communication rules in relation to a financial account, the system comprising:

a microprocessor based rule engine; and

a computer readable medium, wherein the computer readable medium includes instructions executable by the microprocessor based rule engine to:

receive a trigger, wherein the trigger indicates a correspondence associated with the financial account;

receive a communication rule from a consumer participant associated with the financial account;

incorporate the communication rule into a communication rule set maintained on the computer readable medium;

access information associated with the financial account;

apply the communication rule set to the information associated with the financial account, wherein a content of the correspondence is based at least in part on the application of the communication rule set.

2. The system of claim 1, wherein the financial account is part of an account group, wherein the communication rule is directed to a set of financial accounts from the account group, wherein the set of financial accounts is selected from a group consisting of: all accounts within the account group, a subset of accounts within the account group, and a single account within the account group.

3. The system of claim 2, wherein the instructions are further executable by the microprocessor based rule engine to:

provide an output directed to one or more members associated with the account group, wherein the output includes the correspondence.

4. The system of claim 3, wherein the output is an electronic communication.

5. The system of claim 3, wherein the output is selected from a group consisting of: a paper letter, an insert, a presentation instrument carrier, and a message placed on a statement.

6. The system of claim 1, wherein the participant is a first participant, wherein at least a second participant is also associated with the financial account, wherein the communication rule is received from the first participant, and wherein the instructions are further executable by the microprocessor based rule engine to:

provide an output directed to the second participant, wherein the output includes the correspondence;

provide a set of canned messages, wherein the communication rule indicates one of the set of canned messages; and

incorporate the canned message into the output.

7. The system of claim 1, wherein the participant is a first participant, wherein at least a second participant is also associated with the financial account, wherein the communication rule is received from the first participant, wherein the communication rule includes a message provided by the first participant, and wherein the instructions are further executable by the microprocessor based rule engine to:

provide an output directed to the second participant, wherein the output includes the message provided by the first participant.



8. The system of claim 7, wherein the first participant is a senior party in an account group, wherein the second participant is a junior party in the account group, and wherein the financial account is part of the account group.

9. The system of claim 1, wherein the communication rule indicates a communication preference.

10. The system of claim 9, wherein the communication preference is selected from a group consisting of: a graphical presentation, a textual presentation, a summarized presentation, a multi-account presentation, and a message priority.

11. A method for implementing consumer based communication rules in relation to a financial account, the method comprising:

receiving an indication of a financial account, wherein the indication identifies a consumer participant associated with the financial account;

providing a communication rules interface to the consumer participant over a communication network;

receiving a communication rule via the communication rules interface;

receiving a trigger, wherein the trigger indicates a correspondence associated with the financial account;

accessing information associated with the financial account; and

applying the communication rule to the information associated with the financial account, wherein a content of the correspondence is based at least in part on the application of the communication rule.

12. The method of claim 11, wherein the participant is a first participant, wherein at least a second participant is also associated with the financial account, wherein the

communication rule is received from the first participant, and wherein the method further comprises:

- providing an output directed to the second participant, wherein the output includes the correspondence;

- providing a set of canned messages, wherein the communication rule indicates one of the set of canned messages; and

- incorporating the canned message into the output.

13. The method of claim 11, wherein the communication rule includes a message provided by the participant, and wherein the method further comprises:

- providing an output directed to the participant, wherein the output includes the message provided by the participant.

14. A method for implementing consumer based communication rules in relation to an account group, the method comprising:

- receiving an indication of an account group, wherein the indication identifies a member of the account group, and wherein the account group includes at least a first financial account and a second financial account;

- providing a communication rules interface to the member over a communication network;

- receiving a communication rule via the communication rules interface;

- accessing information associated with the account group; and

- applying the communication rule to the information associated with the account group.

15. The method of claim 14, wherein the method further includes generating an output directed to one or more members associated with the account group, wherein the output is based at least in part on the application of the communication rule to the information associated with the first financial account and the information associated with the second financial account.

16. The method of claim 15, wherein the output is selected from a group consisting of: an electronic communication, and a paper communication.

17. The method of claim 15, wherein at least a first member and a second member are associated with the account group, wherein the communication rule is received from the first member, wherein the output is directed to the second member, and wherein the method further comprises:

providing a set of canned messages, wherein the communication rule indicates one of the set of canned messages; and

incorporating the one of the canned message into the output.

18. The method of claim 17, wherein the combination of the first member and the second member is selected from a group consisting of: a combination where the first member is a senior party and the second member is a junior party, a combination where the first member is a junior member and the second member is a senior member, and a combination where the first member and the second member are of equal status.

19. The method of claim 14, wherein the first financial account is a liability account, and wherein the second financial account is an asset account.

20. The method of claim 14 wherein the communication rule directs production of a comprehensive report about the account group.

21. A method, comprising:

receiving, by a financial institution at which a consumer maintains an account, an indication from the consumer that a communication, from the financial institution and regarding the account, is to include content selected by the consumer;

receiving, from the consumer by the financial institution, an indication of what the consumer-selected content is to be;

including the consumer-selected content in the communication; and  
sending the communication.

22. The method of claim 21, wherein the indication of what the consumer-selected content is to be comprises a selection by the consumer of a message from a set of canned messages.

23. The method of claim 21, wherein the indication of what the consumer-selected content is to be comprises composition by the consumer of the consumer-selected content.

24. The method of claim 21, wherein the consumer is one of at least two joint holders of the account, and wherein the consumer-selected content is directed from one joint holder to at least one other joint holder.

25. The method of claim 21, wherein the consumer is a member of an account group, and wherein the communication is sent to at least one other member of the account group.

26. The system of claim 1, wherein the communication rule directs the merging of multiple communications.

27. The method of claim 11, wherein the communication rule directs the merging of multiple communications.

**10. EVIDENCE APPENDIX**

None.

**11. RELATED PROCEEDINGS APPENDIX**

None.